

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RAYMOND ALEXANDER RAY,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-24-867-F
)	
CHRISTE QUICK,)	
)	
Respondent.)	

ORDER

On October 7, 2024, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation, recommending the court grant respondent’s motion to dismiss petitioner’s 28 U.S.C. § 2254 habeas petition for lack of jurisdiction as a second or successive habeas petition without Tenth Circuit authorization. Magistrate Judge Mitchell advised petitioner of his right to file an objection to the Report and Recommendation on or before October 28, 2024, and she specifically advised him that failure to make a timely objection to the Report and Recommendation waives the right to appellate review of both factual and legal questions therein contained.

To date, petitioner has neither filed an objection to the Report and Recommendation nor requested an extension of time to file an objection. With no timely objection filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

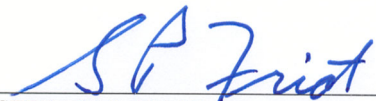
Under Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, “[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the [petitioner].” Because the

court concludes petitioner cannot show “that jurists of reason would find it debatable whether the [] court [is] correct in its procedural ruling,” Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability will be denied.

Accordingly, the Report and Recommendation (doc. no. 15) issued by United States Magistrate Judge Suzanne Mitchell on October 7, 2024 is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. Respondent’s Pre-Answer Motion to Dismiss for Lack of Subject Matter Jurisdiction (doc. no. 8) is **GRANTED**. Petitioner’s Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (doc. no. 1) is **DISMISSED** for lack of jurisdiction as a second or successive habeas petition without Tenth Circuit authorization. A certificate of appealability is **DENIED**.

A judgment will issue separately.

DATED this 13th day of November, 2024.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE